

RESOLUTION NO. 639

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
PUGET SOUND AIR POLLUTION CONTROL AGENCY  
AMENDING ARTICLES 1, 7 and 8 OF REGULATION I  
AND DELINEATING NO-BURN ZONES FOR LAND  
CLEARING FIRES

WHEREAS, it is the policy of the Puget Sound Air Pollution Control Agency to achieve and maintain high levels of air quality and to this end minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the Board of Directors does hereby declare that such fires should be allowed only on a limited basis under strict regulation and close control, such program to be implemented by a one permit system. It is the further policy of the Board to encourage the fostering and development of an alternate technology or method of disposing of wastes which is reasonably economical and less harmful to the environment; and

WHEREAS, the Board held public hearings on April 14, May 12, and June 9, 1988, to consider comments on proposed changes to Article 8 of Puget Sound Air Pollution Control Agency Regulation I; and

WHEREAS, the Board allowed a continuance of the discussions between staff and groups concerned with the problem of land clearing burning for the purpose of developing a more suitable alternative regulatory approach; and

WHEREAS, a more suitable approach was worked out between interested parties consisting of a single permit system under the authority of local fire districts using a set of technical burning guidelines as permit conditions and no-burn zones where land clearing fires are prohibited; and

WHEREAS, a threshold determination of environmental assessment has been made and a Declaration of Nonsignificance has been issued dated October 3, 1988; and

WHEREAS, the Board held a public hearing on December 8, 1988, to consider comments on these proposed changes to Article 8 of PSAPCA Regulation I; and

WHEREAS, the threshold determination of environmental assessment was amended and a Mitigated Declaration of Nonsignificance was issued dated December 23, 1988; and

WHEREAS, a Notice of Action describing the Mitigated Declaration of Nonsignificance was issued and sent to all parties expressing interest; and

WHEREAS, the Board, having considered the staff recommendations and the testimony at the hearings, deems it within the interest of the health, safety and welfare of the inhabitants of the area served by the Puget Sound Air Pollution Control Agency that revisions of Regulation I be adopted as set forth below; now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY:

Section 1: Sections 1.07(a), (y) and (pp) of Regulation I be and the same is hereby amended to read as follows:

(a) "Agricultural burning" means outdoor fires consisting of natural vegetation resulting from the growing of crops, the raising of fowl, animals or bees as a gainful occupation and burned on the lands on which the material originated.

(y) "Land clearing burning" means outdoor fires consisting of natural vegetation resulting from land clearing projects and burned on the lands on which the material originated.

(pp) "Residential burning" means outdoor fires consisting of natural vegetation resulting from the maintenance of lands immediately adjacent and in close proximity to a human dwelling and burned on the lands on which the material originated.

Section 2: Section 7.02 of Regulation I be and the same is hereby amended to read as follows:

#### SECTION 7.02 FILING FEES

A fee of \$450.00 shall be paid upon the filing of any variance application with the Agency.

Section 3: Article 8 of Regulation I entitled "Outdoor Fires" be and the same is hereby amended to read as follows:

#### SECTION 8.01 POLICY

It is the policy of the Puget Sound Air Pollution Control Agency to achieve and maintain high levels of air quality and to this end minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the Board of Directors does hereby declare that such fires should be allowed only on a limited basis under strict regulation and close control, such program to be implemented by a one permit system.

It is the further policy of the Board to encourage the fostering and development of an alternate technology or method of disposing of wastes which is reasonably economical and less harmful to the environment.

#### SECTION 8.02 PROHIBITED OUTDOOR FIRES

(a) It shall be unlawful for any person to cause or allow any outdoor fire:

(1) During any stage of an air pollution episode or during any period of impaired air quality; or

(2) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors; or

(3) For the purpose of demolition, salvage or reclamation of materials; or

(4) Other than land clearing burning or residential burning.

(b) It shall be unlawful for any person to cause or allow any outdoor fire for land clearing burning in any area where the Board has prohibited land clearing burning.

(c) It shall be unlawful for any person to cause or allow any outdoor fire for residential burning in any area where the Board has prohibited residential burning.

(d) It shall be unlawful for any person to cause or allow any outdoor fire for residential burning in a non-prohibited area except under the following conditions:

(1) Fires are conducted only during daylight hours; and

(2) Fires are no larger than four feet in diameter and three feet in height; and

(3) Fires are burned one at a time and each fire is extinguished before another is lighted.

#### SECTION 8.03 EXEMPTIONS

The following outdoor fires are exempt from Section 8.02(a)4:

(a) Fires no larger than four feet in diameter and three feet in height for pleasure, religious, ceremonial, cooking or like social purposes;

(b) Fires from torches, incense burners, insect pots, flares and smokeless waste gas burners;

(c) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, and any silvicultural operation to improve forest lands where and when permitted by the State Department of Natural Resources;

(d) Agricultural burning for disease control, pest control and weed abatement provided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is a recommended practice for the control or prevention of the disease, pest or weed.

(e) Fires for instruction in the method of fighting fires provided:

(1) Prior written approval has been issued by the Control Officer; and

(2) Such fires are conducted at such times and under such conditions as may be established by the Control Officer.

#### SECTION 8.04 GENERAL CONDITIONS

(a) It shall be prima facie evidence that the person who owns or controls property on which an outdoor fire occurs has caused or allowed said outdoor fire.

(b) Nothing contained in Article 8 shall be construed to allow outdoor fires in those areas in which open burning is prohibited by laws, ordinances or regulations of the State or any city, county or fire district.

(c) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with Section 11.101 of the Uniform Fire Code.

#### SECTION 8.05 EMISSION STANDARD EXEMPTIONS

(a) Sections 9.03, 9.05, 9.06, 9.09, and 9.15 of Regulation I shall not apply to outdoor fires which are conducted in compliance with Article 8 of Regulation I.

(b) Sections 9.04 and 9.11(a) shall apply to all outdoor fires except those for residential burning.

Section 4: It is the responsibility of the Agency to enforce the provisions of Article 8 of Regulation I and nothing in this resolution should be interpreted to require action on the part of any other governmental agency. However, neither should anything in this resolution be interpreted to prevent other appropriate governmental agencies from further restricting outdoor fires nor from providing evidence of violations of Article 8 to the Agency. Further, the Control Officer is authorized to enter into interlocal agreements with such appropriate governmental agencies to assist in the enforcement of Article 8 at their request.

Section 5: Section 1 of Resolution No. 622 of the Board of Directors is hereby rescinded. All particulate matter non-attainment areas are designated as no-burn zones for residential burning.

Section 6: The following no-burn zones for land clearing fires are delineated by the Board:

A: The following sections within KING COUNTY:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
21N	3E	1, 10-15, 23-25
21N	4E	1-9, 11-14, 17, 18, 23-25
21N	5E	6, 7, 17-19, 30
22N	4E	ALL
22N	5E	5-9, 16-22, 27-33
23N	3E	1, 2, 11-13, 24-26, 36
23N	4E	ALL
23N	5E	4-9, 15-21, 26-33, 35
24N	3E	ALL
24N	4E	ALL
24N	5E	1-22, 28-32
25N	3E	ALL
25N	4E	ALL
25N	5E	ALL
25N	6E	6, 7, 18, 19, 30
26N	3E	ALL
26N	4E	ALL
26N	5E	5-7, 10, 16, 19-21, 28-33

B. The following sections within PIERCE COUNTY:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
19N	2E	1-6, 9-11
19N	3E	4-6, 8, 9, 16, 17
20N	2E	1-4, 9-17, 20-29, 31-36
20N	3E	1-22, 27-34
20N	4E	4-9, 16-29
21N	2E	10, 14, 15, 22-27, 34-36
21N	3E	ALL
21N	4E	31

C. The following sections within SNOHOMISH COUNTY:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
27N	3E	ALL
27N	4E	4-9, 15-23, 25-36
27N	5E	5, 6, 8
28N	4E	1, 4, 9, 12, 13, 16, 17, 24-26, 32-34
28N	5E	5-8, 17-20, 29, 30, 32
29N	4E	25, 33-36
29N	5E	7, 8, 17-20, 29-32

D. The following sections within KITSAP COUNTY:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
24N	1E	1, 2, 10-15, 22-24


Section 7: Annual Review and Amendment. The Board of Directors does hereby establish the annual reevaluation of the no-burn zones delineated in Section 6 hereof. The staff shall present to the Board, in April of each year, the population data from the preceding year derived from the Counties, Cities, Office of Fiscal Management and the U.S. Bureau of the Census, as appropriate; and the Board, by June of each year, shall amend Section 6 and the no-burn zones, to take effect the following January 1, in recognition of the population changes.

Section 8: This resolution shall take effect February 1, 1989, with the exception that land clearing fires for which a population density verification was approved between September 1, 1988 and January 12, 1989 shall be allowed until September 1, 1989.

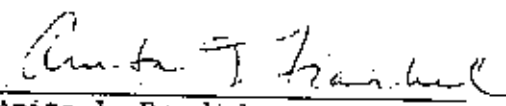
PASSED AND APPROVED at a regular meeting of the Board of Directors of the Puget Sound Air Pollution Control Agency held January 12, 1989.

PUGET SOUND AIR POLLUTION CONTROL AGENCY

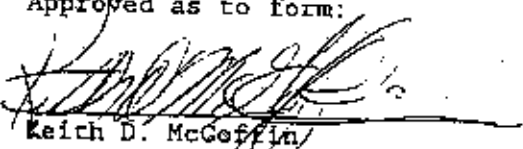
by:

  
Doug Sutherland, Chairman  
Board of Directors

Attest: .

  
Anita J. Frankel  
Air Pollution Control Officer

Approved as to form:

  
Keith D. McGoffin  
Agency Attorney